

or program in the Miami, Florida area.

7. The WHSG-TV program logs are the best evidence of what was actually broadcast on the station.

**TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC. d/b/a TRINITY
BROADCASTING NETWORK**

By Joseph E. Dunne III
Joseph E. Dunne, III

May & Dunne, Chartered
1000 Thomas Jefferson Street,
N.W., Suite 520
Washington, D.C. 20007
(202) 298-6345

GLENDAL E BROADCASTING COMPANY

By John J. Schauble
John J. Schauble

Cohen & Berfield, P.C.
1129 20th Street, N.W., Suite
507
Washington, D.C. 20036
(202) 466-8565

MM Docket No. 93-156

Joint Exhibit No. 7

STIPULATED TESTIMONY OF GEORGE F. GARDNER

My name is George F. Gardner. Following is my sworn testimony for submission to the Federal Communications Commission in MM Docket No. 93-156.

I am the president and majority stockholder of Glendale Broadcasting Company ("Glendale"). Mary Anne Adams is Glendale's vice-president, and the only other stockholder. Glendale has pending an application for television channel 63, Monroe, Georgia (BPCT-920228KE). This application is currently mutually exclusive with the renewal application of the Trinity Christian Center of Santa Ana, Inc., the licensee of WHSG-TV, Monroe, Georgia (BRCT-911129KR).

Glendale filed its application for channel 63 at Monroe, Georgia on February 28, 1992. The engineering portion of that application was prepared by John J. Mullaney, Mullaney Engineering, Inc., 9049 Shady Grove Court, Gaithersburg, Maryland 20877.

Glendale's original proposal was to construct a 328.3 meter (1,077 feet) above ground level tower and top mount a Dielectric antenna (Model No. TFU36JDAS). The overall height of the antenna tower and the antenna above ground was proposed to be 342.6 meters (1,124 feet) above ground level. The coordinates for this proposed site were NL 33° 46' 17", WL 84° 00' 25". The site was in Gwinnett County, 11 kilometers south of Snellville, Georgia.

Glendale also engaged the services of John P. Allen, an aerospace consultant, to assist it in filing required forms with

Federal Communications Commission

Docket No. _____

Presented by _____

Identified _____

Disposition

Accepted _____

Rejected _____

Reporter _____

Date _____

the Federal Aviation Administration to obtain a determination of no hazard to air navigation ruling regarding Glendale's original (and later amended) proposed antenna site. On behalf of Glendale, Mr. Allen filed a Notice of Proposed Construction or Alternation with the FAA on February 19, 1992 (Aeronautical Study No. 92-ASO-0381-OE).

At the time Glendale filed its original application for channel 63 at Monroe, I was aware at the time I signed the application that Glendale was requesting a waiver of the FCC's spacing rules (Rule 73.610). I knew that the FCC had rules governing the minimum spacing required between co-channels. Glendale's application was short-spaced to the allocation of channel 63 to Montgomery, Alabama.

The original antenna site (and later amended site) proposed by Glendale was found by Mr. Gregory B. Daly of TelSA Inc., P. O. Box 32223, Washington, D.C. 20007. At no time during the process of locating Glendale's original antenna site, nor during the preparation of Glendale's application for channel 63 at Monroe, did I or Mary Anne Adams instruct Messrs. Mullaney, Allen or Daly to look for an antenna site that was fully spaced to the channel 63, Montgomery, Alabama allocation. I was thus unaware at the time whether there were any fully spaced sites at which Glendale could propose to locate its antenna site. I was relying upon my FCC counsel, Mr. Mullaney and Mr. Allen to prepare an application that would be acceptable to both the FCC and the FAA.

In the latter part of 1992 I was advised by Messrs. Allen and Mullaney that the antenna site originally proposed by Glendale was not going to be approved by the FAA (meaning the FAA was not going to issue a determination of no hazard to air navigation) unless Glendale agreed to reduce the height of the antenna tower to 500 feet above ground, or move to a new site which did not pose visual flight rule problems. I understood that if Glendale reduced the height of its tower to 500 feet above ground at its original site, Glendale would serve fewer people than in its original proposal.

On March 5, 1993 Glendale amended its channel 63, Monroe application to specify a new antenna site. That site was 33° 44' 38", 84° 00' 39", an area in Rockdale County, five miles north of Conyers, Georgia. The antenna tower Glendale specified at the amended site is 317.6 meters (1,042 feet) above ground level. Glendale has proposed to top-mount a Dielectric antenna (Model No. TFU36JDAS) which will result in a total above ground height for the tower and antenna of 331.9 meters (1,089 feet). The purpose of the amendment was to move to a site that Glendale believed would allow it to receive a determination of no hazard to air navigation from the FAA. Neither Ms. Adams nor myself instructed Messrs. Allen, Daly or Mullaney to look for an antenna site which was fully spaced to the Channel 63, Montgomery, Alabama allocation, and no such site was considered by Glendale. Glendale's amended antenna site proposal also requested a waiver of the FCC's co-channel spacing rule (Rule 73.610) because of the distance to the Channel 63,

Montgomery Alabama allocation. To the best of my knowledge, at the time Glendale filed its March 5, 1993 amendment, neither Ms. Adams nor I, nor Messrs. Mullaney, Daly or Allen, were aware of whether there were any fully spaced sites available. The only sites Glendale submitted to the FAA and the FCC for approval were its original proposed antenna site, and its amended antenna site, as described above.

I hereby declare under penalty of perjury that the foregoing testimony is true and correct to the best of my knowledge and belief. I further understand this testimony has been prepared for submission to the FCC in MM Docket No. 93-156.

Date: May 3, 1994

George F. Gardner
George F. Gardner